

UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

**FILED**  
U.S. Bankruptcy Court  
Western District of NC

**AUG 13 2008**

David E. Welch, Clerk  
Charlotte Division  
ASW

IN RE:

J.A. JONES, INC.,

Debtor.

THE LIQUIDATION COMMITTEE,

Plaintiff,

vs.

MARVIN L. FOWLER,

Defendant.

Case No.: 03-33532

Chapter 11

**JUDGMENT ENTERED ON AUG 13 2008**

Adversary Proceeding

No.: 05-3419

**ORDER RECOMMENDING WITHDRAWAL OF REFERENCE  
FOR PURPOSES OF TRIAL**

**THIS MATTER** is before this Court for continued final pre-trial conference and it appearing as follows:

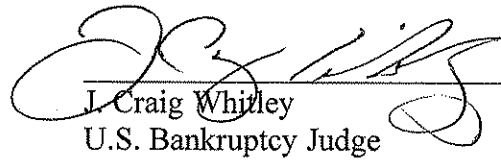
1. The Liquidation Committee on behalf of the Lockwood Greene Debtors has sued Marvin L. Fowler seeking to avoid pre-petition transfers of the Debtor's property under 11 U.S.C. § 547 and 548 and to recover the same under 11 U.S.C. § 550. The Liquidation Committee seeks recovery of \$187,215.07.

2. Fowler has demanded a jury trial. Pursuant to the Supreme Court's ruling in *Granfinanciera, S.A. v. Nordberg*, 492 U.S. 33, 109 S.Ct. 2782, 106 L.Ed.2d 26 (1989) the Defendant is entitled to a trial by jury. Both parties are in agreement that this jury trial should occur in the U.S. District Court.

3. Before seeking withdrawal of reference, the parties have attempted to settle the cause of action and these efforts have now failed.

**ACCORDINGLY**, the undersigned **RECOMMENDS** withdrawal of reference of the above referenced adversary proceeding pursuant to 28 U.S.C. § 157(d) for purposes of trial.

This 12<sup>th</sup> day of August 2008.

  
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J. Craig Whitley  
U.S. Bankruptcy Judge